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SUPPLEMENTAL REMARKS UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
GROUP 1655
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of

Nobuhiko OGURA

Appln. No.: 09/373,585

Confirmation No.: 2737

Group Art Unit: 1655

Filed: August 13, 1999

Examiner: F. Lu

For: TEST PIECE, METHOD OF AND APPARATUS FOR MANUFACTURING THE TEST
PIECE AND METHOD OF AND SYSTEM FOR READING THE SAME

SUPPLEMENTAL REMARKS UNDER 37 C.F.R. § 1.116

ATTN: BOX AF
Commissioner for Patents
Washington, D.C. 20231

Sir:

Supplemental to the Amendment filed October 25, 2001, please consider the remarks as
submitted herewith.

REMARKS

These Supplemental Remarks, submitted in response to the Office Action dated April 25, 2001, are believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

The Examiner maintains the prior art rejections of claims 6-7 and 14-21 and provides several arguments to respond to the Remarks in the Amendment dated October 25, 2001. Applicant submits that the Examiner has failed to give due consideration to the fact that claim 6 describes a conveyor which conveys the plurality of applicators or sheet-like substrate relative to

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each other in a second direction while the applicators apply the plurality of known specific binding agents. The Examiner cites certain features of Matson to teach the conveyor, but does not address prior arguments that the relative movement of Matson does not occur during application of the binding agents to the substrate and would not be modified to include such a feature.

Additionally, with regard to claim 14, Applicant submits that the Examiner's reliance on the cases In re Casey and In re Otto is appropriate since those cases deal with intended use when the claimed structure is actually taught in the reference. By contrast, claim 14 describes a single axis of relative movement while the Examiner admits that Stern teaches a multiple axes device. In this connection, the Federal Circuit decision in In re Kotzab, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000) is more applicable. In this recent case, the Federal Circuit reversed the USPTO which rejected a claim reciting a single temperature sensor when it was not clear whether the reference taught a single sensor or multiple sensors. Applicant submits that the facts of Kotzab are sufficiently analogous to the present situation to warrant withdrawal of the rejection.

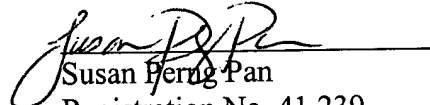
In view of the above, Applicant submits that claims 6, 7 and 14-21 are in condition for allowance. Therefore it is respectfully requested that the subject application be passed to issue at the earliest possible time. The Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary.

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Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,

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Date: March 25, 2002